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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/718,146

11/20/2003

Laurens Leurs

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PATENT DEPARTMENT
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EXAMINER

PARK, CHAN S

ART UNIT

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,146	Applicant(s) LEURS ET AL.	
	Examiner CHAN S. PARK	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Tran

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/8/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Chan S. Park

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 17-21 and 34-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-21 and 34-38 are drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Also, refer to page 53 of the Interim Guideline.

Claims 17-21 and 34-38, while defining a computer program product, do not define a "computer-readable medium" and is thus non-statutory for that reason. A computer program product can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to state, "A computer-readable medium encoded with a computer program..." in order to make the claim statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-13, 15-24, 26-30 and 32-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamada.

2. With respect to claim 1, Hamada teaches a method for making a digital representation of a printed product (figs. 1 & 2) comprising:

creating by a planning application (input apparatus in col. 2, line 41) a product definition of said printed product (high resolution image data having unedited/original parameters created by the input apparatus in col. 2, lines 39-41 & col. 3, lines 32-36);
and

outputting said product definition by said planning application to a layout application (application for editing & displaying the image data using the image editing unit 107 in col. 3, lines 5-15 & fig. 1) for using said product definition by said layout application for creating an artwork (the edited low-resolution image data in col. 2, lines 57-61) for making said digital representation of said printed product (note that the low resolution image data reflects another form of said digital representation of said printed

product by displaying it on the monitor 114 in col. 2, lines 61-62. Also, this low-resolution image data is used for making print data according to col. 3, lines 32-44).

3. With respect to claim 2, Hamada teaches the method according to claim 1 further comprising outputting said product definition by said planning application to a pre-press workflow application (printer driver 112 in fig. 1) for using said product definition by said pre-press workflow application for creating a pre-press product (using high resolution image data to a printable format in col. 3, lines 50-55).

4. With respect to claim 3, Hamada teaches the method according to claim 1 wherein said product definition comprises a first parameter selected from the group of a page size, a number of pages, a bleed size and a set of colors used (note that the high resolution image data inherently has an unedited/original set of colors in col. 1, lines 33-35 & col. 3, lines 5-10 & fig. 3. Also, the input apparatus inherently generates the set of colors for the image data).

5. With respect to claim 4, Hamada teaches the method according to claim 1 further comprising locking a second parameter of said product definition for protecting said second parameter from being modified by said layout application (prohibiting the modification of the parameters of the specified area or image data in col. 3, lines 45-49 & col. 4, lines 16-19).

6. With respect to claim 5, Hamada teaches the method according to claim 2 further comprising locking a second parameter of said product definition for protecting said second parameter from being modified by said layout application (prohibiting the

modification of the parameters of the specified area or image data in col. 3, lines 45-49 & col. 4, lines 16-19).

7. With respect to claim 7, Hamada teaches the method according to claim 1 further comprising outputting said product definition by said planning application to an intermediate script (the first memory 14 for receiving the image data from the input apparatus and editing/adjusting parameters from the user in col. 2, lines 47-49 & col. 4, lines 23-25) for driving said layout application (col. 4, lines 23-25).

8. With respect to claim 8, Hamada teaches the method according to claim 1 further comprising outputting said product definition by said planning application to an intermediate application (resolution conversion unit 106 in fig. 1) for sending said product definition in a particular format (low resolution format) to said layout application (application for editing & displaying the image data using the image editing unit 107 in col. 3, lines 5-15 & fig. 1).

9. With respect to claims 9-13 and 15-16, arguments analogous to those presented for claims 1-5 and 7-8 respectively, are applicable.

10. With respect to claims 17 and 18, arguments analogous to those presented for claim 1, are applicable. Also, refer to col. 10, lines 45-53 for the computer readable medium storing the computer program product.

11. With respect to claim 19, arguments analogous to those presented for claim 4, are applicable.

12. With respect to claims 20 and 21, arguments analogous to those presented for claims 7 and 8 respectively, are applicable.

13. With respect to claim 22, Hamada teaches a method for creating an artwork for making a digital representation of a printed product (figs. 1 & 2), the method comprising:

inputting a product definition of said printed product (high resolution image data having unedited/original parameters created by the input apparatus in col. 2, lines 39-41 & col. 3, lines 32-36) by a layout application (application for editing & displaying the image data using the image editing unit 107 in col. 3, lines 5-15 & fig. 1) from a planning application (input apparatus in col. 2, line 41); and

using said product definition for creating said artwork (the edited low-resolution image data in col. 2, lines 57-61) by said layout application (note that the low resolution image data reflects another form of said digital representation of said printed product by displaying it on the monitor 114 in col. 2, lines 61-62. Also, this low-resolution image data is used for making print data according to col. 3, lines 32-44).

14. With respect to claim 23, Hamada teaches the method according to claim 22 wherein said product definition comprises a first parameter selected from the group of a page size, a number of pages, a bleed size and a set of colors used (note that the high resolution image data inherently has an unedited/original set of colors in col. 1, lines 33-35 & col. 3, lines 5-10 & fig. 3. Also, the input apparatus inherently generates the set of colors for the image data).

15. With respect to claim 24, Hamada teaches the method according to claim 22 further comprising locking a second parameter of said product definition for protecting said second parameter from being modified by said layout application (prohibiting the

modification of the parameters of the specified area or image data in col. 3, lines 45-49 & col. 4, lines 16-19).

16. With respect to claim 26, Hamada teaches the method according to claim 22 further comprising outputting said product definition by said planning application to an intermediate script (the first memory 14 for receiving the image data from the input apparatus and editing/adjusting parameters from the user in col. 2, lines 47-49 & col. 4, lines 23-25) for driving said layout application (col. 4, lines 23-25).

17. With respect to claim 27, Hamada teaches the method according to claim 22 further comprising outputting said product definition by said planning application to an intermediate application (resolution conversion unit 106 in fig. 1) for sending said product definition in a particular format (low resolution format) to said layout application (application for editing & displaying the image data using the image editing unit 107 in col. 3, lines 5-15 & fig. 1).

18. With respect to claims 28-30, 32 and 33, arguments analogous to those presented for claims 22-24, 26 and 27, are applicable.

19. With respect to claims 34-38, arguments analogous to those presented for claims 22-24, 26 and 27, are applicable. Also, refer to col. 10, lines 45-53 for the computer readable medium storing the computer program product.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada as applied to claim 1 above, and further in view of Heidelberg (Job Definition Format Publication submitted in the IDS).

With respect to claim 6, Hamada teaches the method according to claim 1, but it does not explicitly teach the step of creating said product definition in JDF.

Heidelberg, the same field of endeavor of the managing the printing process, teaches method of creating said product definition in JDF (pages 3~4).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the method of creating said production definition in JDF into the printing system of Hamada.

The suggestion/motivation for doing so would have been to provide a mechanism to control all of the processes in print production in the printing system of Hamada.

Therefore, it would have been obvious to combine Hamada with Heidelberg to obtain the invention as specified in claim 6.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada as applied to claim 9 above, and further in view of Heidelberg.

20. With respect to claim 14, arguments analogous to those presented for claim 6, are applicable.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada as applied to claim 22 above, and further in view of Heidelberg.

21. With respect to claim 25, arguments analogous to those presented for claim 6, are applicable.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada as applied to claim 9 above, and further in view of Heidelberg.

22. With respect to claim 28, arguments analogous to those presented for claim 6, are applicable.

Contact Information

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
December 4, 2007

DOUGLAS Q. TRAN
PRIMARY EXAMINER



Chan S. Park
Examiner
Art Unit 2625

